



October 14, 2016

BY ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Amendment to Part 2 of the Commission's Rules for Federal Earth Stations
Communicating with Non-Federal Fixed Satellite Service Space Stations et. al.*, ET
Docket No. 13-115, and RM-11341

Dear Ms. Dortch:

On October 13, 2016, EchoStar Corporation and Hughes Network Systems, LLC ("EchoStar") met with staff from the Office of Engineering and Technology to discuss issues regarding the National Telecommunications and Information Administration's (NTIA) ex parte filing in the above-referenced proceeding. EchoStar was represented by Jennifer A. Manner, Senior Vice President, Regulatory Affairs, and Jodi Goldberg, Associate Corporate Counsel, Regulatory Affairs. EchoStar met to discuss the above-referenced proceeding with Ronald Repasi, Nicholas Oros, and Jamison Prime, of the Office of Engineering and Technology.

In the meeting the parties discussed the attached talking points, explaining EchoStar's concern's with respect to NTIA's ex parte filing in opposition of the Commission's proposed rules for Federal earth stations communicating with commercial space stations, which were distributed to the attendees.

Pursuant to the Commission's rules, this notice is being filed in the above-referenced dockets for inclusion in the public record. Please contact me should you have any questions.

Respectfully submitted,

/s/ Jodi Goldberg

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EchoStar Corporation



**Providing Government Earth Stations with Co-Primary Status to Non-Government Earth Stations
in the FSS Bands Must Occur on a Fair and Transparent Basis to Ensure**

Full and Efficient Access to All Users

ET Docket No 13-115, RM 11341

October 2016

- EchoStar Satellite Operating Corporation and Hughes Network Systems LLC (collectively, EchoStar) remain supportive of the FCC's proposal to provide government earth stations with co-primary status in portions of the C, Ku and Ka bands *subject* to regulatory parity in the treatment of government and non-government earth station applicants and licensees at the FCC and NTIA.
- NTIA has agreed that government earth station operations in commercial FSS bands should be enabled "without imposing additional burdens on non-federal entities that operate in the bands."¹
- NTIA also recognizes that such operations must be "in compliance with the FCC's Part 25 rules" and "should not add any complexity or delay to the licensing of non-federal stations."²

Unfortunately, NTIA's *Ex Parte* proposes certain exemptions for these government earth stations that would not achieve its stated goals, and fails to commit to incorporating the Part 25 requirements into the NTIA Manual of Regulations and Procedures for Federal Radio Frequency Management. The FCC must reject NTIA's proposed exemptions and instead adopt a fair and transparent regulatory regime, as supported by the record including subjecting federal earth station operations to the same licensing, coordination, interference protection, technical, and *ex parte* communications requirements applicable to non-federal earth stations.

- For example, like non-federal earth station applications, federal earth station applications should be placed on public notice and subject to public comments. This requirement will not impose any undue burden on government earth station operations as the non-governmental operators in the band must comply with these requirements.

¹ Letter from Lawrence E. Strickling, NTIA, to Tom Wheeler, FCC, ET Dkt. No. 13-115, at 1 (Sept. 3, 2016) ("*Ex Parte*").

² *Id.* at 2-3.

- Of equal importance is that federal earth station use should not impose additional burdens on non-federal commercial licensees. Accordingly, commercial licensees should not be subject to NTIA coordination requirements. Instead, federal earth stations operators should have to monitor FCC public notices and provide comment on applications that could impact their operations, as commercial licensees must do.
- Finally, the FCC should retain sole jurisdiction for any enforcement actions that arise out of federal earth station use of non-federal spectrum.
- Increased use of the spectrum resource improves spectrum efficiency. However, such increased use should not unfairly benefit one user at the expense of another. Accordingly, EchoStar supports co-primary use of commercial FSS spectrum by government earth station users as long as there is true regulatory parity. Anything else would result in preferential treatment of one class of applicants over another, with no public interest basis.